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Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 EA-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 PM-05
NSC-05 SP-02 SS-15 IO-13 /086 W
----------084995 121826Z /45
P R 121743Z MAY 78
FM AMEMBASSY MOSCOW
TO SECSTATE WASHDC PRIORITY 1648
AMEMBASSY SEOUL PRIORITY
INFO AMEMBASSY HELSINKI
AMEMBASSY TOKYO
AMCONSUL LENINGRAD
CINCPAC HONOLULU HI
AMCONSUL MONTREAL

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 10545

MONTREAL FOR ICAO REP

E.O.11652:GDS
TAGS:EAIR, US, JA, KS, PEPR, UR
SUBJECT:RECOVERY OF DOWNED KAL AIRCRAFT; FLIGHT AND VOICE RECORDERS; NTSB OFFER

REF: (A) MOSCOW 9923, (B) STATE 114522, (C) STATE 113549 AND PREVIOUS

SUMMARY: DEPUTY CHIEF OF MFA'S USA DIVISION SOKOLOV CALLED IN POLCOUNSELOR MAY 12 RE THE KAL INCIDENT. SOKOLOV READ AND PASSED A NON-PAPER, WHICH CITES DIFFICULTY IN MOVING AIRCRAFT BUT WHICH MAY INDICATE SOVIET WILLINGNESS TO PERMIT ITS SALVAGE. NON-PAPER ALSO STATES THE SOVIET INTENTION TO "BRING SUIT" AGAINST KAL FOR RECOVERY OF DAMAGES. POLCOUNSELOR (A) TOLD SOKOLOV OF THE FINNISH NEWSPAPER REPORT WHICH STATES THAT FINNISH AUTHORITIES HAD RECORDED AT LEAST THREE TRANSMISSIONS FROM THE KAL AIRCRAFT
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DIRECTED AT THE SOVIET INTERCEPTOR, (B) PASSED ON THE NATIONAL TRANSPORTATION SAFETY BOARD (NTSB) OFFER TO ASSIST IN INTERPRETING THE DATA CONTAINED IN THE VOICE AND FLIGHT RECORDERS, AND (C) ASKED WHETHER DECISION HAD BEEN REACHED ON RETURN OF THE RECORDERS. SOKOLOV STATED: (A) HE WAS NOT AWARE OF THE FINNISH ARTICLE, (B) HE WOULD PASS ON THE NTSB OFFER, AND (C) HE

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HAD NOTHING YET TO SAY CONCERNING RETURN OF THE
RECORDERS. END SUMMARY.

1. HAVING CALLED IN POLCOUNSELOR MAY 12, DEPUTY CHIEF OF
MFA USA DIVISION SOKOLOV READ AND THEN HANDED OVER A NON-
PAPER, AN INFORMAL TRANSLATION OF WHICH FOLLOWS (ORIGINAL
BEING POUCHED TO EUR/SOV):

BEGIN TEXT:

THE AIRCRAFT "BOEING 707" OF THE SOUTH KOREAN AVIATION
COMPANY, WHICH LANDED APRIL 20 OF THIS YEAR IN THE VICIN-
ITY OF THE CITY OF KEM IN THE KAREL'SKAYA ASSR, IS LOCATED
IN A CLOSED AREA IN AN ALMOST INACCESSIBLE SWAMPY PLACE,
FAR FROM THE ROAD. FOR ITS EVACUATION, IT IS NECESSARY TO
SECTION (IT) INTO MANAGEABLY SIZED PIECES AT THE SITE.
ASSEMBLY AND USE OF THE AIRCRAFT AS SUCH WILL BE IMPOSSIBLE
AFTER THIS. FOR DELIVERY OF THE PARTS OF THE AIRCRAFT TO
A PORT OF TRANSFER, IT WILL BE NECESSARY TO BUILD
AT THE SITE A SERIES OF ENGINEERING-CONSTRUCTION WORKS:
CONSTRUCTION OF A ROAD FROM THE SITE WHERE IT IS TO THE
HIGHWAY, A SITE ON THE SWAMP FOR WORK FOR ITS DISMANTLING,
AND SO ON. FOR CONDUCTING THIS WORK SIGNIFICANT MEANS AND
TIME WILL BE NEEDED. THE COST OF THE WORK FOR DISMEMBER-
ING OF THE AIRCRAFT, DISMANTLING, PACKING, DELIVERY
BY RAILROAD AND LOADING AT ONE OF THE PORTS OF THE SOVIET
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UNION,IS BEING DETERMINED BY SPECIALISTS.
FURTHERMORE, THE SOVIET SIDE WILL BRING SUIT (PRED'YAVIT
ICK) AGAINST THE SOUTH KOREAN AVIATION COMPANY FOR THE
RECOVERY OF DAMAGES (UBYTKOV) (WHICH OCCURRED) IN
CONNECTION WITH THE VIOLATION BY ITS AIRCRAFT OF USSR
AIRSPACE.

END TEXT.

2. NOTING VARIOUS OBSTACLES TO RECOVERY SET FORTH IN NON-
PAPER POLCOUNSELOR SAID THAT HE NEVERTHELESS HAD THE
IMPRESSION THAT IN PRINCIPLE THE SOVIET SIDE WAS NOT
OPPOSED TO THE BREAK-UP, CRATING AND EXPORT (FROM A SOVIET
PORT, E.G. MURMANSK) OF THE DISMANTLED AIRCRAFT, SOKOLOV
REPLIED THAT THE NON-PAPER SPEAKS FOR ITSELF.

3. POLCOUNSELOR REMARKED THAT WE WERE AWARE OF A
FINNISH NEWSPAPER REPORT THAT FINNISH AUTHORITIES HAD
RECORDED AT LEAST THREE TRANSMISSIONS FROM THE KAL AIRCRAFT
DIRECTED TO THE SOVIET FIGHTER-INTERCEPTOR. SOKOLOV SAID
HE HAD HEARD NOTHING ABOUT THIS. ASKED IN THIS CONNECTION
WHETHER SOVIETS WERE WILLING TO MAKE THE VOICE AND FLIGHT

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DATA RECORDERS AVAILABLE, SOKOLOV SAID THAT OUR PREVIOUS REQUEST (REF A) HAD BEEN PASSED ON BUT HE HAD NOTHING YET TO SAY ON THE MATTER.

4. POLCOUNSELOR THEN SAID THAT IF RPT IF SOVIET AUTHORITIES SO DESIRED THE NATIONAL TRANSPORTATION SAFETY BOARD WAS WILLING TO ASSIST IN INTERPRETING THE DATA CONTAINED IN THE VOICE AND FLIGHT DATA RECORDERS. SOKOLOV SAID HE WOULD PASS ON THIS OFFER.

5. IN CLOSING POLCOUNSELOR NOTED THAT NOT ONLY HAD WE BEEN APPROACHED BY THE SOUTH KOREANS ON THIS MATTER BUT THAT THERE WAS A DISTINCT POSSIBILITY THAT OTHER PARTIES, E.G. THE ORIGINAL OWNER, THE BOEING COMPANY, AN INSURANCE
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INFO OCT-01 EUR-12 EA-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 PM-05
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COMPANY, ICAO AND THE INTERNATIONAL PILOTS ASSOCIATION WOULD WISH TO INVOLVE THEMSELVES. SOKOLOV MERELY NODDED.

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6. COMMENT: GIVEN THE APPARENT WILLINGNESS OF THE SOVIETS TO PERMIT THE SALVAGE OF THE AIRCRAFT, EMBASSY BELIEVES THAT THE TIME HAS COME FOR KAL, OR THE INSURANCE COMPANY, TO DECIDE WHETHER IT WISHES TO SALVAGE THE AIRCRAFT. AS PREVIOUSLY INDICATED, EMBASSY BELIEVES THAT RECOVERY WOULD BE MORE FRUITFULLY PURSUED THROUGH COMMERCIAL CHANNELS, SINCE KAL OR THE INSURANCE COMPANY HAVE THE KNOWLEDGE AND EXPERTISE TO NEGOTIATE WITH THE SOVIETS ON COST (IF SUCH NEGOTIATIONS WILL BE POSSIBLE), AND TO ORGANIZE THE SALVAGE OF THE AIRCRAFT.

7. ALTHOUGH THE SOVIETS REMAIN NON-COMMITTAL ON RETURN OF THE VOICE AND FLIGHT RECORDER, EMBASSY IS INTRIGUED BY THE SOVIET DECLARATION OF INTENT TO "BRING SUIT" AGAINST KAL.
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ALTHOUGH IT WAS NOT EXPRESSLY STATED, IT IS POSSIBLE THAT THE SOVIET "CLAIM" WILL BE ADDED TO THE BILL FOR POSSIBLE RECOVERY AND REPATRIATION OF THE AIRCRAFT, WHICH MIGHT CONCEIVABLY BE MADE CONDITIONAL ON SATISFACTION OF THE "CLAIM." THIS WOULD NOT ONLY BE FINANCIALLY ADVANTAGEOUS TO THE SOVIETS BUT COULD HELP STRENGTHEN THEIR "CASE" THAT THE KOREAN CREW BEARS RESPONSIBILITY FOR THE INCIDENT, INCLUDING THE LOSS OF HUMAN LIFE. ON THE OTHER HAND, EMBASSY BELIEVES THAT IF THIS INDEED OCCURS, IT COULD BE USED TO DEMAND THE RE-OPENING OF THE INVESTIGATION, WHICH THE SOVIETS HAVE TERMED CLOSED (REF A), AND TO DEMAND THAT TRANSCRIPTS OF THE VOICE AND FLIGHT RECORDERS BE PLACED IN THE PUBLIC DOMAIN. EMBASSY NOTES, HOWEVER, THAT THE SOVIETS DID NOT DEFINE "DAMAGE" (UBYTKI) AND MAY VERY WELL BE REFERRING TO THE COSTS INCURRED IN INTERCEPTING THE KAL AIRCRAFT, FEEDING, HOSPITALIZATION AND TRANSPORT OF THE PASSENGERS, AND SO ON. SHOULD THE SOVIETS DEFINE "DAMAGE" IN THESE LIMITED TERMS, OF COURSE, THE CASE FOR REOPENING THE INVESTIGATION AND PROVIDING THE FLIGHT AND VOICE RECORDERS WOULD BE CONSIDERABLY DIMINISHED. HOWEVER, IT COULD STILL BE REQUIRED AS RANSOM FOR THE AIRPLANE AND BE USED TO SHORE UP THE SOVIET "CASE." TOON

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